

Permit No. D-0360-10

Division of Mines & Reclamation
COAL MINING & RECLAMATION PERMIT

*** Conditional Issuance**

Issued to: The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902
Telephone (740) 926-1351
Area code

Application No. D-0360-10
Acreage 0.79
Effective January 27, 1999
Expires June 5, 1999

Type of Operation: Surface X Underground Other

LOCATION OF PERMIT AREA

Names of Landowners	Township and Range (T-, R-)	Section or Lot	Township	County
N/A Underground mining only				

*** Conditional issuance:** This parcel may contain significant archaeological deposits. Further coordination with the Division and OHPO is necessary prior to any ground or structural disturbance or repair.

The issuance of this permit means only that the application to conduct a coal mining operation meets the requirements of Chapter 1513 of the Revised Code, and as such DOES NOT RELIEVE the operator of any obligation to meet other federal, state or local requirements.

This permit is issued in accordance with and subject to the provisions, conditions, and limitations of Chapter 1513 of the Revised Code and Chapters 1501:13-1, 1501:13-3 through 1501:13-14 of the Administrative Code.

The approved water monitoring plan for this permit is:

Monitor for quality at: See D-0360-6 for monitoring plan

Monitor for quantity at: See D-0360-6 for monitoring plan

Date January 27, 1999

Olisa Morris by R. Gibson
Chief, Division of Mines & Reclamation

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11/95

**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION**

APPROVAL OF UNDERGROUND COAL MINING PERMIT APPLICATION

1. **Name of Applicant** The Ohio Valley Coal Company
2. **Address of Applicant** 56854 Pleasant Ridge Road
Alledonia, Ohio 43902
3. **Application Number** D-0360-10
4. **Number of acres in underground workings** 0.79
5. **Number of surface acres to be affected** 0.0
6. **The water monitoring plan for this permit shall be:**
See D-0360-6 for monitoring plan

Note: These monitoring requirements are separate from NPDES monitoring requirements.

7. This application is **APPROVED** since it demonstrates and the Division has found that the criteria in paragraph (E) of rule 1501: 13-5-01 of the Administrative Code have been met.

Date January 27, 1999

Signed

Chris Morris by [Signature]

F63

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TOVCC 05376

11/95

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION

Written Findings

Applicant: The Ohio Valley Coal Company

Application No.: D-0360-10

This application has been reviewed by the Division and these findings, as required by 1501: 13-5-01 (E) of the Ohio Administrative Code, are being made.

1. The permit area is not within an area designated as unsuitable for mining pursuant to 1501:13-3-07 of the Ohio Administrative Code. As of this date three areas within the state have been designated as unsuitable: Guernsey County, Valley Township, Sections 7 & 8 (for all coal mining operations), Carroll County, Harrison Township, Sections 4 and 5; Center Township, Sections 27 and 33; Washington Township, Sections 28, 29, 30, 34, 35, and 36 (for full coal recovery underground mining operations), and Belmont County, Smith Township, Sections 27, 28, 33, 34 (for surface operations); Sections 27, 33, 34 (for underground operations above the Meigs Creek No. 9 coal seam).
2. The permit area is not within an area under study for designation as unsuitable for mining based on review of the petitions filed with and being processed by the Division.
3. The permit area is not within one hundred feet of a cemetery based on a field review and map review of the application area and Part 1, D(9) of the permit application.
4. The permit area is not within one hundred feet of the outside right-of-way of a public road based on the field review and map review of the application area and Part 1, D(6) of the permit application.
5. The permit area is not within three hundred feet of an occupied dwelling based on the field review and map review of the application area and Part 1, D(7) of the permit application.
6. The proposed mining operation will not adversely affect publicly owned parks or places included on the National Register of Historic Places based on review of the sites listed in the federal register and Part 1, D(5) of the permit application.

7. The permit area is not within three hundred feet of a public building, school, church, community or institutional building, or public park based on a field review and map review of the application area and Part 1, D(8) of the permit application.
8. The permit area does not include any lands within the boundaries of the National Park System, The National Wildlife Refuge System, The National System of Trails, The National Wilderness Preservation System, The Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276 (a)), or study rivers or study river corridors as established in any guidelines pursuant to that act, National Recreation Areas designated by Acts of Congress, or any nature preserve dedicated pursuant to Chapter 1517. of the Revised Code. This finding is based on review of documents prepared by the National Park Service and the Office of Outdoor Recreation, O.D.N.R., and Part 1, D(1) and D(3) of the permit application.
9. The permit area does not include any federal lands within the boundaries of any National Forest.
10. The permit area is not within one thousand feet of the waterlines of any wild, scenic, or recreational river dedicated pursuant to Chapter 1501., Ohio Revised Code. This finding is based upon the field review and Part 1, D(2) of the permit application.
11. The coal mining operations proposed by this application are not likely to jeopardize the continued existence of threatened or endangered species or are not likely to result in the destruction or adverse modification of their critical habitat as determined under the Endangered Species Act of 1973 (16 U.S.C. 1513 et seq.). The Indiana bat is the only species on the federal list that is in the coal mining region of the state, but per Kent Kroonemeyer's (U.S. Fish & Wildlife) 4-29-85 letter the bat is not in Belmont County and there is no critical habitat in Ohio for any of the federally listed species.
12. The private mineral estate has been severed from the private surface estate on the surface properties owned by: D. Dillion. The following documents were submitted by the applicant to allow for extraction of the coal: Deed affidavit.

13. The applicant and/or any affiliated company has corrected or is in the process of correcting to the satisfaction of the issuing agencies, all notices of violations and has no unpaid final demand civil penalty assessments. This finding is based on verification of Division issued N.O.V.'s, review of information through the Applicant Violator System, and letters sent to other regulatory agencies. Those letters and documentation of the reviews are included within the permit application file.
14. The applicant is required to submit the acreage fees prior to issuance of the permit. **N/A Underground mining operation.** The applicant is not delinquent in payment of the Federal reclamation fee required by Section 402 of Public Law 95-87 based on review of the Applicant Violator System.
15. The applicant is required to submit the performance bond prior to issuance of the permit. The receipt for payment of bond is part of the permit file. **N/A Underground mining operation.**
16. The applicant (and the operator, if applicable) does not control and has not controlled mining operations with a demonstrated pattern of willful violations of Chapter 1513. of the Revised Code and rules adopted thereunder of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with such provisions. This finding is based on a records search from the Inspection and Enforcement Section on 1-26-99.
17. The chief has made the following specific approvals required by Chapter 1501: 13-01 through 1501: 13-14 of the Ohio Administrative Code: N/A.
18. Coal mining and reclamation operations to be performed under the permit will not be inconsistent with other such operations anticipated to be performed during the same permit term in areas adjacent to the proposed permit area.
19. Based on review of Part 2, Items B, C, D, E, F and Part 3, Items A(7), D(9), E, F, H of the permit application, it is found that the proposed operations have been designed to prevent damage to the hydrologic balance outside the permit area.
20. The probable cumulative hydrologic impact assessment for this application area and adjacent areas on the hydrologic regime and water availability is based on review of the Attachment 14's, analysis of existing ground water file data by the Division of Water, and other hydrological and geological data which is part of this application. The impact assessment is as follows: See CHIA in D-0360-6

21. The applicant has demonstrated and the chief has found that the mining and reclamation plans contained in Parts 2, 3, and 4 of the permit application can be feasibly accomplished.
22. The permit application does not propose to use an existing structure in connection with or to facilitate the proposed coal mining and reclamation operation based on a field review of the site and Part 3, B(1) of the permit application.
23. The permit application does not contain any special categories of mining based on a field review of the site and Part 4 of the permit application.
24. The chief has accounted for the possible effect of the proposed permit on properties listed or eligible for listing on the National Register of Historic Places. Consideration was given to, but not limited to, the following: (a) imposing permit conditions which protect the historic resource, (b) requiring revision of the proposed operation plan before application approval, or (c) concluding in a written finding that no protection measures are necessary.
25. The Division of Mines and Reclamation has determined that permit application number D-0360-10 submitted on 9-28-98 and revised 12-8-98 and 1-19-99, is accurate and complete and that it complies with the requirements of Chapter 1513 of the Revised Code and all rules adopted thereunder.


(application manager)

1-27-99
(date)


(Chief, Division of Mines and Reclamation)

1-27-99
(date)

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

UNDERGROUND COAL MINING AND RECLAMATION
PERMIT APPLICATION

JUL 27 1998

Applicant The Ohio Valley Coal Company

A. Type of Operation (check appropriate space(s)):

☒ Shaft, ☒ Slope, ☐ Drift,
☐ Room and Pillar, ☐ Pillar Extraction,
☒ Longwall, ☐ Combined Surface and Underground

B. Type of Application (check appropriate space(s)):

(1) ☐ New
(2) ☐ Initial Underground Workings to Existing Permit
(3) ☒ Additional Underground Workings

C. Address the following if applicable:

(1) Permit Number D-0360
(2) Date Issued 6/20/84

D. Did a person other than an employee of the applicant prepare this application? ☐ Yes, ☒ No. If "yes," provide:

Preparer's Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____

E. I, the undersigned, a responsible official of the applicant, do hereby verify the information in the complete permit application as true and correct to the best of my information and belief.

Printed Name Robert E. Murray; Title President and Chief Executive Officer

Signature Robert E. Murray; Date July 24, 1998

Sworn before me and subscribed in my presence this

24th day of July, 1998.

Deborah E. Aberegg
Notary Public

DEBORAH E. ABEREGG, Notary Public
For The State of Ohio
My Commission Expires August 11, 1998
Recorded in Monroe County

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F. For Revision Review Only. This item to be completed after revisions, if any, have been made to the permit application.

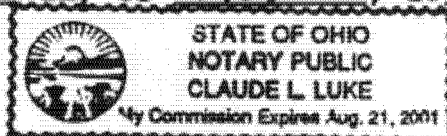
I, the undersigned, a responsible official of the applicant, do hereby verify and acknowledge the revisions made during the permit review process as true and correct to the best of my information and belief.

Printed Name David L. Bartsch; Title Permit Administrator

Signature David L. Bartsch; Date 11-25-98

Sworn before me and subscribed in my presence this

25th day of Nov., 19 98.



Claude L. Luke
Notary Public

PART 1. LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

A. IDENTIFICATION OF INTERESTS

(1) Applicant's Name The Ohio Valley Coal Company

Address 56854 Pleasant Ridge Road

City Alliedonia State Ohio Zip 43902

Telephone 740 - 926 - 1351

Employer Identification No. (EIN) _____, or

Social Security No. (SSN), _____

(2) Indicate business structure of applicant and additional information:

_____ Single proprietorship,
_____ Partnership (registration no. and date obtained)

☒ Corporation (charter no. and date incorporated)
5/25/88 384971

_____ Association, _____ Other, specify _____

(3) If the applicant is a single proprietorship, provide the following:

Owner's Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____ - _____ - _____

EIN _____, or SSN _____

Beginning date of ownership _____

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01-0980-D

- (4) If the applicant is a business entity other than a single proprietorship, provide the following for the applicant's statutory agent and submit Attachment 1.

Agent's Name A & H Statutory
Address 1100 Huntington Building
City Cleveland State Ohio Zip 44115
Telephone 216 - 696 - 1100 See Attachment 1, Application D-0360-6
EIN _____, or SSN (optional) _____

- (5) Is the operator of the mine to be a person different from the applicant? Yes, X No. If "yes," provide the operator's name and submit Attachment 17. (Note: if more than one operator, indicate operator's name and submit a separate attachment for each.)

Operator's Name _____

- (6) Provide the following for the person who will pay the abandoned mine land reclamation fee for the applicant.

Name The Ohio Valley Coal Company
Address 56854 Pleasant Ridge Road
City Alliedonia State Ohio Zip 43902
Telephone 740 - 926 - 1351
EIN _____, or SSN (optional) _____

- (7) Provide the following for all persons having the authority or ability to commit the financial, real property assets, or working resources of the applicant who are not otherwise identified as officers, directors, or owners of the applicant. If none, check box: [x]. If any person listed is a business entity and not an individual, also complete Attachment 1 for that person.

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
EIN _____, or SSN _____
Date O & C relationship began/ended (if applicable) _____

Submit and identify additional pages necessary to complete response.

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- (8) Provide the following for all persons owning or controlling the coal to be mined by another person under a lease, sublease, or other contract and (a) having the right to receive the coal after mining, or (b) having the authority to determine the manner in which another person conducts coal mining operations. If none, check box: [☒]. If any person listed is a business entity and not an individual, also complete Attachment 1 for that person.

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
EIN _____, or SSN _____
O & C relationship to entity _____
Date O & C relationship began/ended (if applicable) _____

Submit and identify additional pages necessary to complete response.

- (9) List below the person or persons primarily responsible for ensuring that the applicant will comply with Chapter 1513. of the Revised Code and the rules adopted pursuant thereto while mining and reclaiming the area for which this permit is requested.

Robert E. Murray

- (10) Has the applicant, any person listed under items A(3), (7), and (8), or any person listed on Attachment 1 who "owned or controlled" or "owns or controls" as defined in 1501:13-4-03(A), held a coal mining permit in the United States within the five years preceding the date of the application? ☒ Yes, _____ No. If "yes," submit Attachment 5. See Attachment 5's - Application D-0360-6
- (11) Does the applicant, any person listed under items A(3), (7), and (8), or any person listed on Attachment 1 have a pending coal mining application in any state of the United States? ☒ Yes, _____ No. If "yes," submit Attachment 23. See Attachment 23's
- (12) Indicate name of mine Powhatan No. 6 Mine
- (13) List below the MSHA identification numbers for the mine and for all mine-associated structures requiring MSHA approval on the proposed permit area.
33-01159
1210-OH8-0025-003
1210-OH8-0025-004
1210-OH8-0025-005
- (14) Submit Attachment 22, Certificate of Liability Insurance. See Attachment 22

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TOVCC 05384

B. COMPLIA INFORMATION

- (1) Has the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant:
- (a) Had a federal or state coal mining permit suspended or revoked in the five years preceding the date of submission of this application? Yes, X No. If "yes," submit Attachment 6.
- (b) Forfeited a mining bond or similar security deposited in lieu of bond? Yes, X No. If "yes," submit Attachment 6.
- (2) Has the applicant been issued a notice of violation (NOV) in connection with any coal mining and reclamation operation during the three years preceding the date of submission of this application for violations of Chapter 1513. of the Revised Code or these rules, or of any federal or state law, rule, or regulation pertaining to air or water environmental protection? Yes, X No. If "yes," submit Attachment 7A.
- (3) Have any unabated federal or state cessation orders (COs) and unabated air and water quality notices of violations (NOVs) been received prior to the submission date of this application by any coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant? Yes, X No. If "yes," submit Attachment 7B.

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C. RIGHT OF ENTRY INFORMATION

- (1) (a) Provide the following information for every legal or equitable owner of record, surface and mineral, of the property to be mined on the permit area (i.e. areas affected by surface operations and facilities), indicating whether the ownership is of surface, coal, or noncoal mineral. N/A - No Permit Area

Name _____
Address _____
City _____ State _____ Zip _____
Surface _____, Coal _____, Noncoal _____
Deed Parcel No. _____

Name _____
Address _____
City _____ State _____ Zip _____
Surface _____, Coal _____, Noncoal _____
Deed Parcel No. _____

Name _____
Address _____
City _____ State _____ Zip _____
Surface _____, Coal _____, Noncoal _____
Deed Parcel No. _____

Name _____
Address _____
City _____ State _____ Zip _____
Surface _____, Coal _____, Noncoal _____
Deed Parcel No. _____

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C.(1)(b) Provide the following information for every legal or equitable owner of the property to be mined covered by the underground workings indicating whether the ownership is of surface, coal, or noncoal minerals.

Name OVCC

Address 56854 PLEASANT RIDGE ROAD

City ALLEDONIA State OH Zip 43902

Surface X Coal X Noncoal

Deed Parcel No. 2

Name D. DILLON

Address 63541 LASH ROAD

City BELMONT State OH Zip 43718

Surface X Coal Noncoal

Deed Parcel No. 1

Name

Address

City State Zip

Surface Coal Noncoal

Deed Parcel No.

Name

Address

City State Zip

Surface Coal Noncoal

Deed Parcel No.

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DEC 80 1998

- C. (2) Provide the following information for the holders of record of any leasehold interest in the coal to be mined or property to be affected by surface operations or facilities, indicating whether the held interest is of surface, coal, or noncoal rights.

Name _____

Address _____

City _____ State _____ Zip _____

Surface _____, Coal _____, Noncoal _____

Name _____

Address _____

City _____ State _____ Zip _____

Surface _____, Coal _____, Noncoal _____

Submit and identify additional pages necessary to complete response.

- (3) Are there purchasers of record under a real estate contract of the coal to be mined or property to be affected by surface operations and facilities?
_____ Yes, ☒ No. If "yes," submit Attachment 2.
- (4) Is any owner, holder, or purchaser listed in items C(1) (a and b), (2), or (3) respectively, a business entity other than a single proprietorship?
☒ Yes, _____ No. If "yes," submit Attachment 3.
- (5) Is any part of the proposed permit area adjacent to any lands which are not owned by those persons identified in item C(1)(a)? _____ Yes, _____ No. If "yes," submit Attachment 4. N/A No Permit Area
- (6) Does the applicant hold lands, interests in lands, options, or pending bids on interests for lands which are contiguous to the property to be mined?
☒ Yes, _____ No. If "yes," provide a description of the lands. See Map - Future Application Areas, Application D-0360-
- (7) Is it anticipated that individual mining permits will be sought for any of those lands described in item C(6) above? _____ Yes, ☒ No. If "yes," submit as an addendum and identify those lands to include the size, sequence, and timing of future mining permits, utilizing a map pursuant to 1501:13-4-13(J)(29), Ohio Administrative Code.

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ORIGINAL

DEC 80 1998

TOVCC 05388

- C. (8) (a) Provide either of the following to allow for coal mining operations on the permit area:
- N/A - No Permit Area
- (i) A copy of the documents, or
 - (ii) An affidavit wherein the documents are described.

AFFIDAVIT

State of Ohio, _____ County, ss. _____ being first duly sworn, says that the following described documents convey to the applicant the legal right explained below and is a subject of litigation as shown below.

Type of document _____

Execution Date _____

Expiration Date _____

Parties: From _____ To _____

Description of land: No. Acres _____

County _____ Township _____

Sections _____ Lots _____

Parcel # _____

Explanation of legal rights claimed _____

Pending litigation _____ Yes, _____ No.

Signature of Affiant _____ Date _____

Position

Sworn before me and subscribed in my presence this

_____ day of _____, 19____.

Notary Public

ORIGINAL
D-0380-10

C.(8)(b) Provide either of the following to allow for coal mining operations on the **underground workings.**

- (i) A copy of the documents, or
- (ii) An affidavit wherein the documents are described. For all documents or affidavits provided for the underground workings, the specific parcels are to be identified on the application map.

AFFIDAVIT

State of Ohio, Belmont County, ss. David L. Bartsch being first duly sworn, says that the following described documents convey to the applicant the legal right explained below and is a subject of litigation as shown below.

Type of Document

WARRANTY DEED

Execution Date 08/04/98

Expiration Date N/A

Parties: From DILLON to OVCC

Description of land: No. Acres _____

County Belmont

Township Smith

Sections 17

Lots _____

Parcel # 1

Explanation of legal rights claimed See Addendum to Page 10, Part 1, C(8)(b),

Item 1

Pending litigation _____ yes X no.

David L. Bartsch

Signature of Affiant

9/23/98

Date

Environmental Coordinator and Permit Administrator
Position

Sworn before me and subscribed in my presence this 23 day of Sept 1998.

Penny J. Elliott
Notary Public

PENNY J. ELLIOTT, Notary Public
For The State of Ohio
Commission Expires February 11, 2003
Recorded in Monroe County

ORIGINAL

TOVCC 05390

C.(8)(b) Provide either of the following to allow for coal mining operations on the underground workings.

- (i) A copy of the documents, or
- (ii) An affidavit wherein the documents are described. For all documents or affidavits provided for the underground workings, the specific parcels are to be identified on the application map.

AFFIDAVIT

State of Ohio, Belmont County, ss. David L. Bartsch being first duly sworn, says that the following described documents convey to the applicant the legal right explained below and is a subject of litigation as shown below.

Type of Document

WARRANTY DEED

Execution Date 09/10/98

Expiration Date N/A

Parties: From ROUSH to OVCC

Description of land: No. Acres

County Belmont

Township Smith

Sections 17

Lots

Parcel # 2

Explanation of legal rights claimed See Addendum to Page 10, Part 1, C(8)(b),

Item 2

Pending litigation yes X no.

David L. Bartsch

Signature of Affiant

9/23/98

Date

Environmental Coordinator and Permit Administrator
Position

D-0360-10

Sworn before me and subscribed in my presence this 23 day of Sept, 19 98.

Penny J. Elliott
Notary Public

ORIGINAL
PENNY J. ELLIOTT, Notary Public
For The State of Ohio
Commission Expires February 11, 2003
Recorded in Monroe County

Addendum to Page 10, C.(8)(b)
The Ohio Valley Coal Company
Permit D-0360

Item 1. - Mining Rights to Deed Parcel # 1 - Together with the right to mine and remove all of the coal thereunder by the longwall mining process, and further, waiving all damages to the surface and structures thereon. Grantee, its successors and assigns, is further granted the right to transfer coal owned or controlled by it through said premises.

Item 2 - Mining Rights to Deed Parcel #2 - This surface property is owned in fee simple by The Ohio Valley Coal Company, including te No. 8 coal seam, with all mining rights.

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C.(9)(b)

List below the following information for each surface owner of land within the proposed underground workings.

OWNER NAME	CO.	TWP.	SEC	T-	,R-
OVCC	BELMONT	SMITH	17	T-6N	R-4W
D. DILLON	BELMONT	SMITH	17	T-6N	R-4W

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D. AREAS WHERE MINING IS PROHIBITED OR LIMITED-Permit Area

- (1) Does the permit area included in this permit application include any area dedicated as a nature preserve pursuant to Chapter 1517., Ohio Revised Code? Yes, No. If "yes," submit proof of valid existing right. N/A No Permit Area
- (2) Does the permit area included in this permit application include any area within one thousand feet of the waterlines of any wild, scenic, or recreational river dedicated pursuant to Chapter 1501., Ohio Revised Code? Yes, No. If "yes," submit proof of valid existing right. N/A No Permit Area
- (3) Does the permit area included in this permit application include any area within the boundaries of the following systems: national park, national wildlife refuge, national trails, national wilderness preservation, national recreational areas, or wild and scenic rivers or river corridors, including those rivers under study? Yes, No. If "yes," submit proof of valid existing right. N/A No Permit Area
- (4) Does the permit area included in this permit application include any federal lands within the boundaries of any national forest? Yes, No. If "yes," submit approval of the U.S. Secretary of Interior of proof of valid existing right. N/A No Permit Area
- (5) Will operations in the permit area conducted under this permit adversely affect any publicly owned park or places included on the National Register of Historic Places? Yes, No. If "yes," submit joint approval from the chief and the federal, state, or local agency with jurisdiction over the park or places or proof of valid existing right. N/A No Permit Area
- (6) Will operations in the permit area conducted under this permit affect land within one hundred feet of the outside right-of-way of a public highway? Yes, No. If "yes," list the highway(s) in the space below and submit Attachment 9 or proof of valid existing right. N/A No Permit Area

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TOVCC 05395

- D. (7) Will operations in the permit area conducted under this permit affect land within three hundred feet of any occupied dwelling? Yes, No. If "yes," list the name of the owner(s) in the space below and submit Attachment 10 or proof of valid existing right.

N/A No Permit Area

- (8) Will operations in the permit area conducted under this permit affect land within three hundred feet of any public building, school, church, community or institutional building, or public park? Yes, No. If "yes," submit proof of valid existing right. N/A No Permit Area

- (9) Will operations in the permit area conducted under this permit affect land within one hundred feet of a cemetery? Yes, No. If "yes," submit proof of valid existing right or appropriate authorization to relocate the cemetery. N/A No Permit Area

- (10) Will operations conducted during this permit result in the extension of any part of the pit within fifty feet of horizontal distance to any adjacent land or water in which the applicant does not own either the surface or mineral rights? Yes, No. If "yes," list below the name(s) of the adjacent owner(s) and submit Attachment 11. N/A No Permit Area

E. AREAS WHERE MINING IS PROHIBITED OR LIMITED-Permit and Shadow Area

Are there areas within the proposed permit area, shadow area, or adjacent areas designated unsuitable for coal mining operations under rule 1501:13-3-07 of the Administrative Code or under study for designation in an administrative proceeding under this rule?
 Yes, X No.

- (1) If "yes" to the item above, did the applicant make substantial legal and financial commitments in the proposed areas prior to January 4, 1977?
 Yes, No. N/A

- (2) If "yes" to item (1) above, submit as an addendum to the permit application information supporting the assertions that the commitments were made prior to January 4, 1977. N/A

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TOVCC 05396

F. PERMIT TERM AND EXTENT-Permit and Underground Workings

- (1) Anticipated/actual date for:
 - (a) Starting mining operations 12/1/ 98
 - (b) Terminating mining operations N/A
- (2) Does the applicant propose a permit term in excess of five (5) years? Yes, X No. If "yes," submit an addendum with the information required by 1501:13-4-03(E)(3), Ohio Administrative Code.
- (3) Indicate the following acreage figures:
 - (a) Total Acres 0 (Permit area)
 - (b) Total Acres 0.79 (Underground Workings)
- (4) Horizontal extent of underground workings over life of permit in acres:
 - (a) Full Coal Recovery 0.79
 - (b) Room and Pillar 0

G. PUBLIC NOTICE-Permit and Shadow Area

- (1) In the space below, provide the name and address of the public office where a complete copy of this permit application is to be filed.

Recorder's Office
Belmont County Court House
Main Street
St. Clairsville, Ohio 43950

- (2) In the space below, list the name and address of the newspaper and submit an addendum providing the text of the advertisement that is to be published in a newspaper of general circulation in the locality of the proposed operation. Note: The advertisement is to provide the information required by paragraph (A) of rule 1501:13-5-01 of the Administrative Code.

The Times Leader
200 South Fourth Street
Martins Ferry, Ohio 43935

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ADDENDUM TO PAGE 15, PART 1, G(2)
THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT D-0360

Public Notice

The Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, Ohio 43902, has submitted an underground coal mining application designated as D-0360-10 to the Ohio Department of Natural Resources, Division of Mines and Reclamation. The proposed additional underground acreage for Permit D-0360 is located in Belmont County, Smith Township, Section 17. The area is located on the St. Clairsville ½ minute USGS quadrangle map, 2 ½ miles northeast of Centerville, Ohio. The proposed underground workings encompass 0.79 acres. Coal in this underground area will be removed using the longwall (full recovery) mining method.

This application is on file at the Belmont County Recorder's Office, located at the County Court House on Main Street in St. Clairsville for public viewing. Written comments or requests for an informal conference may be sent to the Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43224 within thirty days of the last date of publication of this notice.

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D-0360-10

PROOF OF PUBLICATION

The State of Ohio
County of Belmont, ss:

The undersigned, being sworn, says that he or she is an employee of Eastern Ohio Newspapers, Inc., A Corporation, publisher of the Times Leader a newspaper published in Martins Ferry, Belmont County, Ohio, each day of the week except Saturday and of general circulation in said city and county; that it is a newspaper meeting the requirements of sections 7.12 and 5721.01 Ohio Revised Code as amended effective September 24, 1957; that affiant has custody of the records and files of said newspaper; and that the advertisement of which the annexed is a true copy, was published in said newspaper on each of the days in the month and year stated, as follows:

Oct 5, 12, 19, 26

19 98

Andrew Blane

Subscribed by Affiant and sworn to before me, this 26th day of Oct, A.D. 1998.

Rebecca L. Anderson

Notary Public

REBECCA L. ANDERSON
Notary Public, State of Ohio
My Commission Expires Nov. 25, 2001

Printer's Fee \$ 133.20

Notary's Fee \$ _____

The Times Leader
Martins Ferry, Ohio

Public Notice

The Ohio Valley Coal Company 56854 Pleasant Ridge Road, Alliedonia, Ohio 43902, has submitted an underground coal mining application designated as D-0360-10 to the Ohio Department of Natural Resources, Division of Mines and Reclamation. The proposed additional underground acreage for Permit D-0360 is located in Belmont County, Smith Township, Section 17. The area is located on the St. Clairsville 1/2 minute USGS quadrangle map, 2 1/2 miles northeast of Centerville, Ohio. The proposed underground workings encompass 0.79 acres. Coal in this underground area will be removed using the longwall (full recovery) mining method.

This application is on file at the Belmont County Recorder's Office, located at the County Court House on Main Street in St. Clairsville for public viewing. Written comments or requests for an informal conference may be sent to the Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43224 within thirty days of the last date of publication of this notice.

T-adv-Oct. 5, 12, 19, 26.

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PART 2 ENVIRONMENTAL RESOURCES INFORMATION

A. CULTURAL, HISTORIC, AND ARCHEOLOGICAL INFORMATION-Permit and Planned Subsidence Area

- (1) Are there any cultural or historic resources or structures listed or eligible for listing on the National Register of Historic Places within the proposed permit or planned subsidence area?
X Yes, No. If "yes," submit an addendum describing the resources and structures including the location and submit Attachment 27 or 27A as appropriate. See Attachment 27A., Application D-0360-6
- (2) Are there any known archeological sites within the proposed permit or planned subsidence area?
 Yes, X No. If "yes," submit an addendum describing the site including the location and submit Attachment 27 or 27A as appropriate.
- (3) If applicable, based upon the review of the proposed planned subsidence areas and the completed Attachment 27A for the initial six months of projected mining, have any properties listed or eligible for listing on the National Register of Historic Places been identified? Yes, X No. If "yes," submit an addendum listing each property identified.
- (4) Submit an addendum indicating the method to be used to identify historic properties on planned subsidence areas as mining progresses. See Addendum to Page 16, Part 2, A(4)
Application D-0360-6

B. GEOLOGY DESCRIPTION-Permit and Shadow Area

- (1) Submit an addendum describing the geology within the proposed permit area and shadow area down to and including the first stratum below the lowest coal seam to be mined or any aquifer below the lowest coal seam to be mined which may be adversely affected by mining. The description shall also include information on the areal and structural geology of the permit and shadow area and any other geologic parameters which may influence the probable hydrologic consequences and protection of the hydrologic balance from material damage outside of the permit area.
See Addendum to Page 16, Part 2, B.(1), Application D-0360-6
- (2) Submit an addendum describing how the areal and structural geology may affect the occurrence, availability, movement, quantity, and quality of potentially affected surface and ground waters per paragraph (C) of rule 1501:13-4-13 of the Administrative Code.

See Addendum to Page 16, Part 2, B (2), Application D-0360-6

D-0360-10

ORIGINAL

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
PERMIT D-0360
APPLICATION D-0360-6
ADDENDUM TO ATTACHMENT 27A

HISTORIC INVENTORY REFERENCE LIST

REF. NO.	OWNER	APPROX. CONSTRUCTION DATE	APPROX. MODIFICATION DATE	TYPE
90	OVCC	1948		HOUSE
91	DILLON	LATE 1800'S		HOUSE

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- B. (3) For those areas to be affected by underground mining surface operations where removal of the overburden down to the level of the coal seam will occur, submit Attachment 12(s) as required by paragraphs (C)(2)(a) and (c) of rule 1501:13-4-13 of the Administrative Code. N/A
- (4) For those areas within the shadow area where the stratum above the coal seam to be mined will not be removed, submit Attachment 13(s) as required by paragraphs (C)(2)(d) and (e) of rule 1501:13-4-13 of the Administrative Code. See Attachment 13's, Application D-0360-6

C. GROUND WATER INFORMATION-Permit, Shadow Area, and Adjacent Area

- (1) Submit an Attachment 14B which describes the ground water hydrology of the proposed permit area, shadow area, and adjacent area. The Attachment 14B is to include information on each waterbearing stratum or zone as required by paragraph (D) of rule 1501:13-4-13 of the Administrative Code, including the first waterbearing stratum below the coal to be mined.
See Attachment 14B, Application D-0360-6
- (2) Are there any wells on the proposed permit area, shadow area, and adjacent area? X Yes, _____ No. If "yes," submit Attachment 14C.
See Attachment 14C
- (3) Are there any springs on the proposed permit area, or developed springs on the shadow area and adjacent area? X Yes, _____ No. If "yes," submit Attachment 14C.
See Attachment 14C
- (4) Are there any public water supply sources on the proposed permit area, shadow area, and adjacent area? _____ Yes, X No. If "yes," submit Attachment 14A, Attachment 14D, and show location on the hydrology map.
See Attachment 14D and Hydrology Map, Application D-0360-6
- (5) Submit Attachment 14A for representative wells and developed springs as required by paragraph (D)(4) of Map rule 1501:13-4-13. Based on this data identify the seasonal variations of ground water quality and quantity. See Attachment 14A and Addenda

D. SURFACE WATER INFORMATION-Permit, Shadow Area, and Adjacent Area

- (1) List the name of the watershed that will receive water discharges from the proposed permit, shadow, and adjacent areas as listed in the "Gazetteer of Ohio Streams" published by the Ohio Department of Natural Resources. McMahon Creek
- (2) Are there any perennial or intermittent streams or other surface water bodies on the proposed permit, shadow area, and adjacent area? X Yes, _____ No. If "yes," submit Attachment 14A and Attachment 14D and show location on application and hydrology map.
See Attachments 14A, and Hydrology Map.

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- D. (3) Based on the data listed on Attachment 14A, and other information submitted with this application, identify the seasonal variations in water quality and quantity for the streams identified in Part 2, D(2).

See Attachment 14A, Addenda, PHC, Application D-0360-6

E. HYDROLOGIC DETERMINATION-Permit, Shadow Area, and Adjacent Area

Based on the information submitted in response to items B, C, and D in this part of the permit application, submit an addendum describing the probable hydrologic consequences of this proposed underground mining operation on the hydrologic regime of the proposed permit area, shadow area, and adjacent area. The description shall include findings on each of the following items:

- (1) The consequences of the proposed operation on the contents of total suspended and dissolved solids, total iron, total manganese, acidity, and pH;

See Addendum to Page 18, Part 2, E, Application D-0360-6

- (2) Whether adverse impacts may occur to the hydrologic balance; and

See Addendum to Page 18, Part 2, E, Application D-0360-6

- (3) The impact the proposed operation will have on:

- (a) sediment yield from the disturbed area,
- (b) flooding and stream flow alteration or diminution,
- (c) ground water and surface water availability.

See Addendum to Page 18, Part 2, E, Application D-0360-6

F. ALTERNATIVE WATER SUPPLY INFORMATION-Permit, Shadow Area, and Adjacent Area

- (1) Based on the response in Part 2, item E, submit an addendum identifying the extent to which the proposed coal mining activities may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed permit area, shadow area, and adjacent area that is used for domestic, agricultural, industrial, or other legitimate use.

See Addendum to Page 18, Page 2, F, Application D-0360-6

- (2) If contamination, diminution, or interruption may result, submit an addendum identifying the alternative sources of water supply that could be developed to replace the existing sources including information on water availability and suitability of alternative sources for existing pre-mining uses and postmining land use.

See Addendum to Page 18, Part 2, F, Application D-0360-6

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D-0360-10

THE OHIO VALLEY COAL COMPANY
POWHATAN NO. 6 MINE
RAINFALL - 1998

DATE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	T	0.00	0.01	0.20	0.11	0.00	0.00	0.00	0.00	0.00	0.00	
2	0.00	0.00	0.00	0.00	1.25	0.00	0.00	0.00	0.00	0.00	0.00	
3	0.00	T	0.01	0.00	0.24	0.01	0.00	0.00	0.00	0.78	0.00	
4	0.00	0.45	0.00	0.00	0.00	0.00	0.15	0.00	0.00	T	0.00	
5	T	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
6	T	T	0.00	0.00	T	0.00	0.00	0.00	0.00	0.00	0.00	
7	1.29	0.00	0.00	T	1.20	0.00	0.27	0.00	0.40	1.00	0.00	
8	0.89	0.00	0.45	0.70	T	0.00	T	T	0.05	0.00	0.00	
9	0.15	0.00	0.10	0.45	0.00	0.68	0.00	0.05	T	0.00	0.18	
10	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.11	0.00	0.00	0.50	
11	0.00	0.08	0.00	0.00	T	0.43	0.00	0.00	0.00	0.00	0.00	
12	0.25	T	0.00	0.00	0.00	0.69	0.00	T	0.00	0.00	0.00	
13	0.04	0.00	0.00	0.00	0.00	0.30	0.00	0.00	0.00	0.00	0.00	
14	0.01	0.00	0.00	T	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
15	0.03	0.00	0.00	0.23	0.00	0.75	0.15	0.00	0.00	0.00	0.00	
16	T	0.08	0.00	0.30	0.00	0.39	0.00	0.00	0.00	0.00	0.00	
17	0.05	0.33	T	0.00	0.00	0.00	0.00	0.38	0.00	0.00	0.00	
18	0.05	0.24	T	0.00	0.00	1.00	0.00	0.00	0.00	0.16	0.00	
19	0.00	0.05	0.00	0.85	0.10	0.00	0.00	0.00	0.00	0.00	0.18	
20	0.00	0.25	0.49	0.00	0.00	0.00	0.00	0.00	0.72	0.00	T	
21	0.00	0.00	0.05	0.00	0.00	0.00	0.07	0.00	T	0.00	0.00	
22	0.25	0.00	0.00	0.00	0.00	0.00	0.10	0.00	0.20	0.00	0.00	
23	T	0.10	0.00	0.00	0.00	0.00	0.40	0.00	0.00	0.00	T	
24	T	T	0.02	0.00	0.30	0.00	0.00	0.00	0.00	0.00	0.00	
25	0.00	0.00	0.00	0.00	T	0.00	0.00	1.40	0.00	0.00	0.50	
26	0.00	0.00	0.00	0.70	0.00	1.25	0.00	0.10	0.00	0.00	0.00	
27	0.01	0.00	0.00	0.00	0.00	0.79	0.00	0.00	0.60	0.00	0.00	
28	0.00	0.40	0.00	0.00	0.00	1.90	0.00	0.00	0.00	T	0.00	
29	0.00		0.00	0.28	0.33	0.16	0.00	0.00	T	T	0.00	
30	T		0.00	0.00	0.00	T	1.71	0.00	0.00	0.00	T	
31	0.00		0.00	0.00	0.35		0.00	0.00		0.00		
TOTAL	3.02	2.06	1.13	3.71	3.89	8.35	2.85	2.04	1.97	1.94	1.36	0.00
H/L	H	L	L	L	H	H	H	L	L	L	L	
												32.32

Rain gauge is read at 7:00 am for the prior day.

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PROBABLE HYDROLOGIC CONSEQUENCES
SUMMARY TABLE
APPLICATION AREA D-0360-6
TABLE A
Addendum to page 18 F (1)

Site ID	Surface Elev. MSL	Well Depth	Topo Position	% Soft Rock	Panel Position	Bottom of coal to bottom of supply	Aquifer (see attachment 14B)	Coal Elev.	Significant Impact	Moderate Impact	Minimal Impact
---------	-------------------	------------	---------------	-------------	----------------	------------------------------------	------------------------------	------------	--------------------	-----------------	----------------

(Probability of Indicated Impact
Expressed As A Percent)

DW	356	1100	12	Hillside	75	Quarter	299	A	789	45 %	13 %	42 %
W	357	1000	38	Valley Bot.	54	Quarter	177	D	785	>75 %		
W	358	1225	35	Hilltop	64	Quarter	412	B	778	45 %	13 %	42 %
W	360	958	67	Hillside	54	Outside	92	D	799		3%	97%
W	361	970	102	Hillside	54	Outside	69	E	799		3%	97%
DW	362	1000	11	Valley Bot.	64	Quarter	204	A	785	11 %	11 %	78 %
W	363	1095	130	Hillside	77	Outside	158	D	807		3%	*97%
W	364	1238	90	Hilltop	64	Gate	373	B	775	45 %	13 %	42 %
W	365	1240	100	Hillside	64	Quarter	368	B	772	45 %	13 %	42 %
W	366	1060	57	Hillside	77	Outside	198	D	805		3%	97%
W	367	1210	77	Hillside	54	Mid	351	C	782	45 %	13 %	42 %
W	368	1185	85	Hillside	54	Gate	320	C	780	45 %	13 %	42 %
W	423	1200	117	Hilltop	54	Gate	318	C	765	45%	13%	42%
DS	154	1140		Hillside	64	Mid	372	B	768	76%	21%	3%
DS	155	1110		Hillside	64	Mid	350	C	760	76%	21%	3%
DS	157	1160		Hillside	64	Gate	400	B	760		3%	97%
DS	247	1000		Hillside	54	Outside	210	C	790		3%	97%

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PG. # 3

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DEC-18-98 10:55 FROM:OVCC FRONT DESK

ID: 17409269112

PAGE 2/2

G. LAND USE INFORMATION-Permit Area

- (1) Describe the uses of the land within the proposed permit area existing at the time of the filing of this permit application and provide a map which delineates the area of each land use.

N/A - No Permit Area

- (2) Was the land use described in item G(1) above changed within five years before the anticipated date of beginning this proposed mining operation?
 Yes, No. If "yes," submit an addendum describing the historic use of the land.

N/A - No Permit Area

- (3) Analyze the capability of the land within the proposed permit area before any mining to support a variety of uses, giving consideration to soil and foundation characteristics, topography, vegetative cover, and hydrology of the proposed permit area.

N/A - No Permit Area

- (4) Analyze the productivity of the land within the proposed permit area before any mining to include average yields obtained under high level of management.

N/A - No Permit Area

- (5) Is any land within the proposed permit area classified as prime farmland? Yes, No.

N/A - No Permit Area

- (6) Submit an addendum describing the use of the land within the permit area, including the creation of permanent water impoundments, that is proposed to be made of the land following reclamation, including information regarding the utility and capacity of the reclaimed land to support a variety of alternative uses.

N/A - No Permit Area

- (7) Are there existing land use classifications under local law of the proposed permit area? Yes, No. If "yes," describe the land use classification and submit as an addendum to the permit application, the comments of the governmental agency which would have to initiate, implement, approve or authorize the proposed use of the land following reclamation. If "no," describe the sources of information on which the determination was made.

N/A - No Permit Area

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D-0360-10

- G. (8) Submit as an addendum a copy of the comments from the legal or equitable owner of record of the surface of the proposed permit area concerning the proposed land use.
N/A - No Permit Area
- (9) Describe the consideration which has been given to making all of the proposed coal mining activities consistent with surface owner plans and applicable state and local land use plans and programs.
N/A - No Permit Area
- (10) Describe how the proposed land use is to be achieved and the necessary support activities that may be needed to achieve the proposed land use.
N/A - No Permit Area
- (11) Is the postmining land use to be different from the premining land use? _____ Yes, _____ No. If "yes," submit as an addendum to the permit application, the plans and findings required by paragraph (D) of rule 1501:13-9-17 of the Administrative Code.
N/A - No Permit Area
- (12) Has the proposed permit area been previously mined? _____ Yes, _____ No. If "yes," provide the following information, if available. N/A No Permit Area
- (a) Type of mining method _____
- (b) Coal seam mined _____
- (c) Non coal mineral mined _____
- (d) Extent of mining (acres) _____
- (e) Approximate dates _____
- (f) Land use preceding mining _____

H. PRIME FARMLAND INVESTIGATION-Permit Area

- (1) Does the proposed permit area include any land that is prime farmland, taking into consideration the negative determinations listed in paragraph (L)(2) of rule 1501:13-4-13 of the Administrative Code?
_____ Yes, _____ No. N/A No Permit Area
- (2) If the response to item H.(1) is "yes," submit Attachment 15.
- (3) If the response to item H.(1) is "no," submit Attachment 16.

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PART 3 RECLAMATION AND OPERATIONS PLAN**A. GENERAL REQUIREMENTS-Permit Area (Items A.(1) and A.(2)-Permit and Underground Workings)**

- (1) Submit an addendum describing the type and method of coal mining procedures for this application. Explain how these procedures will maximize the use and conservation of the coal resources. See D-0360-6 areas is high.
- (2) Indicate the anticipated annual and total production of coal from this proposed operation.

Annual 5.0 million Total 25 million

- (3) Will this operation be combined with surface coal mining activities to the extent that contemporaneous reclamation of areas disturbed by surface mining will be delayed or such that the underground workings will be within 500 feet of the surface mining activities?
_____ Yes, _____ No. If "yes," submit Attachment 30.

N/A - No Permit Area

- (4) Are experimental mining practices to be employed in the proposed mining operations? _____ Yes, _____ No. If "yes," submit as an addendum to the permit application, the description, maps, and plans required by paragraph (B) of rule 1501:13-4-12 of the Administrative Code.

N/A - No Permit Area

- (5) Are mountaintop removal mining practices to be employed in the proposed mining operations? _____ Yes, _____ No. If "yes," submit as an addendum to the permit application the information required by paragraph (C) of rule 1501:13-4-12 of the Administrative Code.

N/A - No Permit Area

- (6) Are the natural pre-mining slopes within the permit area in excess of twenty (20) degrees?
_____ Yes, _____ No. If "yes," submit an addendum demonstrating compliance with the steep slope mining provisions of paragraph (D) of rule 1501:13-4-12 and 1501:13-13-05 of the Administrative Code.

N/A - No Permit Area

- (7) Is augering proposed within the permit area?
_____ Yes, _____ No. If "yes," submit Attachment 18.

N/A - No Permit Area

- (8) Are variances from approximate original contour to be employed for the proposed underground mining surface operations? _____ Yes, _____ No. If "yes," submit an addendum to the permit application demonstrating compliance with paragraph (E) and/or (K) of rule 1501:13-4-12 of the Administrative Code.

N/A - No Permit Area

ORIGINAL**D-0360-10**

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- A. (9) Will access to the underground workings be gained through a drift entry? Yes, No. If "yes," provide as an addendum sufficient information to determine the location of the entry relative to the highest elevation of the coal reserve. Is the drift entry located so as to eliminate the potential for a gravity discharge? Yes, No. If "no," the applicant must demonstrate that the coal seam is not acid or iron producing. Provide an analysis of the strata immediately above and below the coal, and the coal seam itself, sufficient to demonstrate that the water quality from the entry will meet effluent limitations without treatment.
N/A - No Permit Area
- (10) For entries to underground workings other than drift entries, provide as an addendum sufficient information to determine the location of the entry relative to the coal reserve. Are the entries located so as to eliminate the potential for a gravity discharge?
 Yes, No. If "no," provide the following demonstration: N/A - No Permit Area
- (a) the gravity discharge will meet effluent limitations without treatment, or
- (b) the water will be treated to meet effluent limitations and provisions will be made for consistent maintenance of the treatment facility throughout the anticipated period of gravity discharge.
- (11) Will the permanent entry seals be designed to withstand the maximum anticipated hydraulic head when the operations are abandoned? Yes, No. If "yes," submit the appropriate information demonstrating that this will be accomplished. If "no," provide a typical plan for the seals to be used to close the mine entries pursuant to applicable state and federal regulations.
N/A - No Permit Area
- (12) Submit an addendum describing the construction, modification, maintenance, and removal (unless to be retained for postmining land use), including the proposed engineering techniques and major equipment to be used, of the following facilities:
- (a) dams, embankments, and other impoundments. Do any of the plans for water, sediment or slurry impoundments meet the requirements of 30 CFR 77.216? Yes, No. If "yes," submit as an addendum a plan that addresses each of the requirements in 30 CFR 77.216-2.
- (b) overburden and topsoil handling and storage areas and structures.

N/A - No Permit Area

ORIGINAL

D-0860-10

- A. (12) (c) coal removal, handling, storage, cleaning, and transportation areas and structures; including, but not limited to, preparation plants, beltlines, tipples, rail sidings, and primary roads. For roads, conveyors and rail systems, submit an addendum describing the information required pursuant to paragraph (L) of rule 1501:13-4-14 and 1501:13-10-01 of the Administrative Code.

N/A - No Permit Area

- (d) spoil removal, handling, storage, transportation, and disposal areas and structures, including underground development waste or excess spoil disposal sites. If underground development waste or excess spoil is to be generated, submit an addendum describing the information required by paragraphs (O) and (P) of rule 1501:13-4-14 and 1501:13-9-07 of the Administrative Code.

N/A - No Permit Area

- (e) mine facilities such as portal/shaft development, boreholes, de-gas holes, vents, office or shop buildings and maintenance facilities.

N/A - No Permit Area

- (f) water and air pollution control facilities.

N/A - No Permit Area

- (13) Provide an estimate of the cost per acre to reclaim the permit area.

N/A - No Permit Area

- (14) Will the proposed operation include any of the following:

N/A - No Permit Area

- (a) disposal of coal mine waste from a wash plant, tipple, or other source? Yes, No. If "yes," submit Attachment 28 and, if applicable, the information required by paragraph (H) of rule 1501:13-4-14 of the Administrative Code.
- (b) disposal of fly ash or other noncoal wastes? Yes, No. If "yes," submit an addendum which addresses the disposal material and a detailed disposal plan, pursuant to paragraph (E) of rule 1501:13-9-09 of the Administrative Code.
- (c) return of slurry or other mine waste or material into the abandoned underground workings? Yes, No. If "yes," comply with provisions contained in paragraph (N) of rule 1501:13-4-14 and paragraph (Q) of 1501:13-9-04 of the Administrative Code, and submit copies of the required MSHA approvals as an addendum.

B. EXISTING STRUCTURES-Permit Area

- (1) Are any existing structures proposed to be used in connection with or to facilitate the coal mining and reclamation operation? Yes, No. If "yes," submit as an addendum to the permit application a description of each structure. The description shall include the information required by paragraph (B)(1) of rule 1501:13-4-14 of the Administrative Code.

N/A - No Permit Area

ORIGINAL
D-0360-10

- B. (2) Are / existing structures provided to be modified or reconstructed for use in connection with or to facilitate the coal mining and reclamation operation? Yes, No. If "yes," submit as an addendum to the permit application, a compliance plan for each structure. The plan shall include the information required by paragraph (B)(2) of rule 1501:13-4-14 of the Administrative Code.

N/A - No Permit Area

C. BLASTING-Permit Area

Will blasting occur within 25 feet of the surface during shaft and portal development or other on-site development? Yes, No. If "yes," submit Attachment 29.

N/A - No Permit Area

D. RECLAMATION PLAN - GENERAL REQUIREMENTS-Permit Area (Item D.(12)-Permit, Shadow, and Adjacent Area)

- (1) Provide a detailed timetable for the completion of backfilling and grading for each mining year.

N/A

- (2) Provide a detailed timetable for the completion of resoiling for each mining year.

N/A

- (3) Provide a detailed timetable for the completion of planting for each mining year.

N/A

- (4) Describe the plan for backfilling, compacting and grading of the disturbed permit area, including the disposal of all mine generated debris.

N/A

- (5) Submit an addendum describing the plan for the removal, storage, redistribution and stabilization of topsoil, subsoil, or approved alternative resoiling material to meet the requirements of rule 1501:13-9-03 of the Administrative Code. If an alternative resoiling material is to be used, submit Attachment 19.

N/A

- (6) Provide the following information for the revegetation plan:

- (a) Schedule for revegetation to include planting of temporary vegetation.

N/A

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- D. (6) (b) List the species and amounts per acre of seeds and seedlings to be used.

N/A

- (c) Describe the methods to be used in planting and seeding.

N/A

- (d) Describe the mulching techniques.

N/A

- (7) Describe the soil testing plan for evaluation of the results of topsoil handling and reclamation procedures related to revegetation.

N/A

- (8) Submit an addendum describing the measures to be employed to handle and place acid or toxic-forming materials in accordance with paragraph (J) of rule 1501:13-9-04 and paragraph (J) of rule 1501:13-9-14 of the Administrative Code. N/A

- (9) Describe the measures, including appropriate cross-sections and maps, to be used to plug, case or manage mine openings or bore holes other than those entries utilized to gain access to the underground workings, pursuant to rule 1501:13-9-02 of the Administrative Code.

N/A

- (10) Is the reclamation plan consistent with local physical, environmental, and climatological conditions?

_____ Yes, _____ No.

N/A

- (11) Identify any other applicable air and water quality laws and regulations and health and safety standards and describe the steps to be taken to comply with each.

N/A

- (12) Submit an addendum describing the plan for minimizing to the extent possible and using the best technology currently available disturbances and adverse impacts of the operation on fish and wildlife and related environmental values and achieving enhancement of such resources where practical for the permit, shadow, and adjacent areas.

See Addendum to Page 25, Part 3, D(12),
Application D-0360-6

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E. RECLAMATION PLAN-PROTECTION OF HYDROLOGIC BALANCE-Permit and Adjacent Area

Submit an addendum describing the measures to be taken during and after the proposed mining operations to:

See Addendum to Page 26, Part 3E (1-3), Application D-0360-6

- (1) minimize disturbance to the hydrologic balance, including quality and quantity, within the permit and adjacent areas and to prevent material damage outside the permit area;
- (2) protect the rights of present users of surface and ground water;
- (3) avoid acid or toxic drainage.

F. GROUND WATER AND SURFACE WATER MONITORING PLAN-Permit and Shadow Area

Based upon the probable hydrologic consequences determination and analysis of all baseline hydrologic, geologic, and other information submitted in this application, address the following items in accordance with paragraph (F) of rule 1501:13-4-14 and paragraph (N) of rule 1501:13-9-04 of the Administrative Code.

See Addendum to Page 29, Part 3, F, Application D-0360-6

- (1) In addition to the quality and quantity parameters required for quarterly monitoring and NPDES monitoring, will any other parameters be monitored?
_____ Yes, X No. If "yes," indicate the parameter(s) and the site(s) where such monitoring will occur.
- (2) Do you propose or anticipate the need for a variation in the required monitoring frequency for ground and surface water sites and monthly monitoring for NPDES?
_____ Yes, X No. If "yes," describe the variation in frequency and the monitoring sites to be affected.
- (3) Describe the plan for collection, recording, and reporting of all surface and ground water quality and quantity monitoring data, including data collected for the NPDES program.

See Application D-0360-6

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G. DIVERSIONS AND DRAINAGE CONTROLS-Permit Area

- (1) Will the proposed coal mining activities result in diversions of overland flow away from the disturbed areas? _____ Yes, _____ No. If "yes," describe, including maps and cross sections, the diversion to be constructed to achieve compliance with paragraph (I) of rule 1501:13-4-14 of the Administrative Code.

N/A - No Permit Area

- (2) Will the proposed coal mining activities result in the diversion of intermittent or perennial streams within the proposed permit area? _____ Yes, _____ No. If "yes," describe, including maps and cross sections, the diversions to be constructed to achieve compliance with paragraph (I) of rule 1501:13-4-14 of the Administrative Code.

N/A - No Permit Area

- (3) Will the proposed coal mining activities result in construction of diversions to direct runoff through a sediment pond or a series of sediment ponds?
 _____ Yes, _____ No. If "yes," submit an addendum to describe, including maps and cross sections, the diversions to be constructed to achieve compliance with paragraph (I) of rule 1501:13-4-14 of the Administrative Code.

N/A - No Permit Area

- (4) Indicate which of the following are proposed to be constructed within the proposed permit area and submit as an addendum the detailed design plans for each structure in accordance with paragraph (H) of rule 1501:13-4-14 and 1501:13-9-04 of the Administrative Code.

 sedimentation pond(s) (submit Attachment 20)

 water impoundment(s) (submit Attachment 20)

other (specify) _____

N/A - No Permit Area

- (5) Submit an addendum describing the plan for the control of water drainage into, through, and out of the proposed permit area. If applicable, submit as an addendum any request for variances pursuant to paragraphs (B) and (E) of rule 1501:13-9-04 of the Administrative Code.

N/A - No Permit Area

- (6) Describe the treatment, when required, of ground and surface water drainage from the area to be disturbed by the proposed coal mining activities

N/A - No Permit Area

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H. PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES-Permit and Planned Subsidence Area

Will the proposed coal mining activities adversely affect any public parks and places listed on the National Register of Historic Places? _____ Yes, X No. If "yes," submit an addendum describing the measures to minimize or prevent these impacts.

I. MINING NEAR OR THROUGH A PUBLIC ROAD-Permit Area

If the response to Part 1, item D(6) of the permit application is "yes," submit an addendum describing the measures to be used to ensure that the interests of the public and landowners are protected.

N/A - No Permit Area

J. SUBSIDENCE CONTROL SURVEY-Shadow Area

- (1) Is this a full coal recovery operation?
X Yes, _____ No. If "yes," complete Attachment 31, Subsidence Control Survey, and following items J(2) and (3).
See Attachment 31
- (2) Does the shadow area contain any of the structures or facilities listed in 1501:13-12-03(J) (1-3)?
_____ Yes, X No. If "yes," complete Attachment 32, Protection of Specific Structures, and specifically identify the structures or facilities on the application map.
- (3) Are any aquifers or bodies of water that serve as a significant water source for any public water supply system present in the shadow area?
_____ Yes, X No. If "yes," complete Attachment 32, Protection of Specific Structures, and specifically identify the areas on the application map.

K. SUBSIDENCE CONTROL PLAN-Shadow Area

See Application D-0360-6

- (1) Submit an addendum which describes the method of coal removal, and indicates the size, sequence, and timing of the development of the underground workings.
See Addendum to Page 28, Part 3, K(1)/Timing, Struc. Cont., and Parcel MAP
- (2) Utilizing the application map, specifically indicate areas where planned subsidence mining methods (i.e. longwall or pillar extraction) will be used.
See Application Map and Timing, Struc. Cont., and Parcel Map
- (3) Utilizing the application map, specifically indicate room-and-pillar mining areas where subsidence will be prevented or minimized.

N/A

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- K. (4) Submit as an addendum, for those areas mapped as room-and-pillar mining, the following information:

There are no room-and-pillar areas planned

- (a) the maximum and average overburden thickness.
 - (b) the projected maximum extraction ratios for mains, submains, and butt sections, as well as the existing ranges of values for the same areas.
 - (c) projected maximum width of entries and cross cuts throughout the mine, as well as the existing ranges of values for the same areas.
 - (d) the center spacing for entries and cross cuts.
 - (e) minimum pillar dimensions for mains, submains, and butt sections, as well as the existing ranges of values for these areas.
 - (f) the barrier pillar width between butt sections, as well as the existing ranges of values for the same areas.
 - (g) the engineering properties of the clay/shale, or other soft rock material in the roof and floor of the mine.
 - (h) measures to be taken on the surface to prevent damage or lessening of the value or reasonably foreseeable use of the surface, if any.
 - (i) the minimum pillar safety factor, for protected structures, based upon coal strength and load.
 - (j) methods and calculations used to determine the safety factor.
- (5) Submit as an addendum for those areas mapped as full coal recovery mining, the following information:
- See Addendum to Page 29, Part 3, K(5)(a), Application D-0360-6
- (a) for each method to be employed (i.e. longwall or pillar extraction), provide the following:
 - i) rate and direction of dip for the coal seam.
 - ii) dimensions of panels or butt sections.
 - iii) thickness of coal to be extracted (mining height).
 - iv) maximum angle of draw.
 - v) maximum anticipated subsidence.
 - vi) width of barrier pillars or chain pillars between sections or panels.
 - vii) the maximum extraction ratio within a pillaring section.

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- K. (5) (b) the anticipated effects of planned subsidence upon the land and water resources identified in the subsidence control survey and survey of ground and surface water resources.
See Addendum to Page 30, Part 3, K(5)(b) and Attachment 31
See D-0360-6
- (c) the measures to be taken to mitigate the anticipated effects of planned subsidence to the land and water resources.
See Addendum to Page 30, Part 3, K(5)(c)
See D-0360-6
- (d) the anticipated effects of planned subsidence upon the structures identified in the subsidence control survey.
See Addendum to Page 30, Part 3, K(5)(d) See D-0360-6
- (e) the proposed measures to be taken to mitigate anticipated effects to structures.
See Addendum to Page 30, Part 3, K(5)(e) See D-0360-6
- (f) the proposed measures to determine the extent of mining related damages including a presubsidence survey with an indication of the timing of the survey.
See Addendum to Page 30, Part 3, K(5)(f) See D-0360-6
- (g) the provisions for repair and/or compensation for damages to structures.
See Addendum to Page 30, Part 3, K(5)(g) See D-0360-6
- (h) describe the monitoring, if any, needed to determine the commencement and degree of subsidence so that, when appropriate, other measures can be taken to prevent, reduce, or correct material damage in accordance with rule 1501:13-12-03 of the Administrative Code.
See Addendum to Page 30, Part 3, K(5)(h) See D-0360-6
- (6) Will planned subsidence operations be conducted within the angle of draw of urbanized areas, cities, towns, communities, industrial or commercial buildings, major impoundments, or perennial streams?
X Yes, _____ No. If "yes," describe any measures or activities that will prevent a condition or practice that could result in an imminent danger to the health or safety of the public.
See Addendum to Page 30, Part 3, K(6) See D-0360-6
- (7) Will planned subsidence operations be conducted within the angle of draw of transmission pipelines?
X Yes, _____ No. If "yes," describe the procedural plan to avoid the creation of a situation of imminent danger to the health and safety of the public.
See Addendum to Page 30, Part 3, K(7) See D-0360-6

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PART 4 FORMAT AND CONTENT

A. FILING OF ADDENDA

If an addendum is needed to present the information required by the items in the permit application, the addendum is to be submitted with the permit application and each page, map, plan or other document in the addendum should include the applicant's name and indicate to what item the addendum applies. For example, "Addendum to Part 3, item K(2) Zebco Coal Company."

B. Provide the information requested below for all technical data submitted in the application.

Identification of Technical Data (1)	Person/Organization that Collected Data and Date	Methodology for Collecting Data	Person/Organization that Collected Data and Date	Methodology Used to Analyze Data
Attachments, Addenda	D. Bartsch (OVCC)	N/A	Quality Environmental Services, Tra-Det, Inc.	Water Sampling Lab Analysis Field Analysis

(1) The technical data is to be identified by referencing the particular item in the application for which the data was used in preparing the response (e.g. Part 2, B(1); Attachment 14; Part 4, A).

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- C. Provide the name, address, and position of officials of each private or academic research organization or governmental agency contacted in the preparation of the application for information on land uses, soils, geology, vegetation, fish and wildlife, water quantity and quality, air quality, and archeological, cultural, and historic features.

Name and Address of Official	Position of Official	Name of Agency/ Organization	Type of information (e.g. Geology)
Bill Haiker	Hydrologist	ODNR, Division of Water	Ground Water Inventory Report
No contact person - Public Document		USGS	Water Resources Data

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D. APPLICATION FOR ABANDONED MINED LAND DIRECT NEGOTIATED CONTRACT
(IF APPLICABLE)

In accordance with Section 1513.27 of the Ohio Revised Code, the chief of the Division of Reclamation has been granted the authority to enter into contracts with licensed operators for reclamation of abandoned mined lands affected by coal mining prior to April 10, 1972 and located adjacent to a permit area. To be eligible for reclamation funding, the abandoned mined land must be causing offsite environmental problems, will not be affected by the operator during the normal course of mining, and is not likely to be mined in the foreseeable future. If such lands exist adjacent to your permit area and you are interested in contracting for reclamation of the lands, complete this application, detach and send directly to:

Robert S. Baker, Manager
Mined Land Reclamation
Division of Reclamation
Fountain Square, H-2
Columbus, Ohio 43224

Upon receipt, a representative from the Mined Land Reclamation section will contact you.

Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Business Telephone: _____

Contact Person: _____

Description of Abandoned Mined Land:

County: _____
Township: _____
Section/Lot: _____
Approximate Acreage: _____

Environmental Problems Associated with Site:

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OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

ATTACHMENT 3
(IDENTIFICATION OF OTHER BUSINESS ENTITIES)

Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item C.(4) in Part 1 of the permit application is "yes." A separate attachment is to be submitted for each business entity.

Name of business entity The Ohio Valley Coal Company

Statutory agent A&H Statutory

Street Address 1100 Huntington Bldg

City Cleveland State OH Zip 44115

Person's name Robert E. Murray Position Pres. & CEO

Street Address Suite 111, 29525 Chagrin Blvd

City Pepper Pike State OH Zip 44122

Person's name Stephen C. Ellis Position Secretary

Street Address 1100 Huntington Bldg

City Cleveland State OH Zip 44115

Person's name Michael D. Loiacono Position Treasurer, Asst Secy & Corp. Comptroller

Street Address Suite 111, 29525 Chagrin Blvd

City Pepper Pike State OH Zip 44122

Person's name Ohio Valley Resources, Inc. Position Corporation

Street Address Suite 111, 29525 Chagrin Blvd

City Pepper Pike State OH Zip 44122

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**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION**

**ATTACHMENT 5
PERMIT LISTING**

APPLICANT'S NAME THE OHIO VALLEY COAL COMPANY

SUBMIT THE FOLLOWING INFORMATION FOR EACH COAL MINING OPERATION OWNED OR CONTROLLED EITHER THE APPLICANT OR BY ANY PERSON WHO OWNS OR CONTROLS THE APPLICANT

Name of business entity Energy Resources Incorporated

Address PO Box 259

City Brockway

State

PA

Zip

15824

Telephone 814-265-8021

EIN

SSN

PERMIT NO.	STATE	NAME OF REGULATORY AGENCY	MSHA NO. AND DATE ISSUED
33840123	PA	DEP	36-02695 05/25/88
33860102	PA	DEP	36-02695 05/25/88
17880102	PA	DEP	36-02695 05/25/88
33870113	PA	DEP	36-02695 05/25/88
33830115	PA	DEP	36-02695 05/25/88
24880101	PA	DEP	36-02695 05/25/88
24880103	PA	DEP	36-02695 05/25/88
24890101	PA	DEP	36-02695 05/25/88
24890102	PA	DEP	36-02695 05/25/88
24890108	PA	DEP	36-02695 05/25/88
24900102	PA	DEP	36-02695 05/25/88
24900104	PA	DEP	36-02695 05/25/88
24900103	PA	DEP	36-02695 05/25/88
24960101	PA	DEP	36-02695 05/25/88
24970102	PA	DEP	36-02695 05/25/88
24970103	PA	DEP	36-02695 05/25/88
24980101	PA	DEP	36-02695 05/25/88
24970101	PA	DEP	36-02695 05/25/88
24305006	PA	DEP	36-02695 05/25/88

If not previously provided, indicate the ownership or control relationship of the business entity with the applicant, including percent of ownership and location in organization structure:

Owned by Parent Entity

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OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
ATTACHMENT 14A
(HYDROLOGIC MEASUREMENTS AND ANALYSES)

Applicant's Name THE OHIO VALLEY COAL COMPANY

STATE PLANE COORDINATES:		X 2,438,464.43		Y 733,455.51		LOCATION	PAN
1.	Identification No. of Sampling Station from Hydrology Map	W-423	W-423	W-423	W-423	W-423	W-423
2.	Lab Identification Number	9801220			9804265		
3.	High (H)/Low (L) Designation (if applicable)	H			L		
4.	Surface Elevation for Sampling Station (msl)	1200	1200	1200	1200	1200	1200
5.	Depth of Well below Land Surface (msl)	117	117	117	117	117	117
6.	Static Water Level of Well below Land Surface (msl)	75	74	75	78	78	77
7.	Flow for Spring/Stream (gpm or cfs)						
8.	Date Above Measurements Made	01/23/98	02/18/98	03/13/98	04/22/98	05/19/98	06/10/98
9.	Aquifer/Zone Identification for Well/Spring	C	C	C	C	C	C
10.	pH (Standard Units)	7.4			7.4		
11.	Total Acidity (mg/l CAC03)	13			0.00		
12.	Total Alkalinity (mg/l CAC03)	220			210		
13.	Specific Conductivity (umhos/cm at 25°C)	420			420		
14.	Total Dissolved Solids (mg/l)						
15.	Total Manganese (mg/l)	0.11			0.08		
16.	Total Sulfates (mg/l)	36			41		
17.	Total Iron (mg/l)	3			0.48		
18.	Total Suspended Solids (mg/l)	29			60		
19.	Total Hardness (mg/l CAC03)	270			250		
20.	Nitrates (mg/l)	0.38			0.78		
21.	Date Sampled for Analysis	01/23/98			04/22/98		
22.	Date Last Precipitation Event Occurred	01/23/98			04/19/98		

Laboratory Name
Address
State

Tradet, Inc.
P.O. Box 2019
Wheeling, West Virginia 26003

SPRING FLOW = GPM
STREAM FLOW = CFS

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DOM. = DOMESTIC USE
LIV. = LIVESTOCK USE

ATTACHMENT 14C
(WELL/SPRING INVENTORY)

Applicant's Name:

The Ohio Valley Coal Company

Well/Spring Identification Number	Name of Owner of Well/Spring	Surface Elevation of Well/Spring	Depth of Well in Feet	Static Water Level of Well (Avg)	Lithology of Supplying Aquifer/ Waterbearing Zone	Known Uses of Well/Spring (if spring give avg. discharge rate, gpm)
W-357	OVCC	1000	38	33	D	DOM
DW-362	DILLON	1000	11	7	A	DOM
W-423	MAZESKA	1200	117	76	C	DOM

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PAUL PICCOLINI

TOVCC 05425

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OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

ATTACHMENT 23
(PENDING PERMIT APPLICATIONS)

Applicant's Name The Ohio Valley Coal Company

Provide the following information for each pending coal mining application for either the applicant or any person who owns or controls the applicant.

Indicate the business entity for which this listing has been completed The Ohio Valley Coal Company

Application No.	Name of Regulatory Authority	State
D-0360-8	DMR	OHIO
D-0360-9	DMR	OHIO
D-0360-10	DMR	OHIO
R-0360-20	DMR	OHIO

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OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATIONATTACHMENT 31
(Subsidence Control Survey)

SURFACE OWNER	COUNTY	TOWNSHIP/SECTION	RENEWABLE RESOURCES	STRUCTURES - USE	MAP LOC. KEY (STRUCTURES)
D. DILLON	BELMONT	SMITH/17		HOUSE	4-1
			WELL	OUTBUILDING	DW-362
OHIO VALLEY COAL CO.	BELMONT	SMITH/17		HOUSE	4-2
			WELL	OUTBUILDING	W-357
MAZESKA	BELMONT	SMITH/17		HOUSE	4-3
			WELL	PASTURELAND	W-358-423
				WOODLAND	

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